IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 19907 of 2006(T)

PETITIONER:

K.S. RAGHAVAN PILLAI, S/O. SANKARA PILLAI, AGED 60 YEARS, KUNNUMPURATH HOUSE, VANDAMATTOM P.O., KODIKULAM, THODUPUZHA TALUK, IDUKKI DISTRICT.

BY ADV. SRI.C.S.AJITH PRAKASH
SRI.T.D.SALIM

RESPONDENTS:
----

1. STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT, VIGILANCE DEPARTMENT GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, IDUKKY COLLECTORATE PAINAVU P.O., IDUKKY.

3. THE TAHSILDAR, TALUK OFFICE, THODUPUZHA.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 19907/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE REPORT OF THE VILLAGE OFFICER, KUKAYATHUR ADDRESSED TO THE TAHSILDAR, THODUPUZHA IN FILE NO. 8/98 DT. 27/4/98.

EXT.P2. COPY OF THE LETTER DT. 28/09/98 OF THE TAHSILDAR, THODUPUZHA TO THE VILLAGE OFFICER, KUDAYATHUR.

EXT.P3. COPY OF THE PROCEEDINGS DT. 14/1/99 OF THE DIST. COLLECTOR, IDUKKI.

EXT.P4. COPY OF THE PROCEEDINGS NO. F5. 6603/2002 DT. 16/08/2002 OF THE DISTL COLLECTOR, IDUKKI.

EXT.P5. COPY OF THE JUDGMENT DTD. 25/1/2005 IN WP NO. 33439/2004 BEFORE THIS COURT.

EXT.P6. COPY OF THE GO P NO. 185/2002 DT. 27/3/2002.

EXT.P7. COPY OF THE STATEMENT IN WP NO. 33439/2004 FILED BY THE SUPERINTENDENT OF POLICE VIGILANCE.

EXT.P8. COPY OF THE REPORT OF THE GOVT. ORDER NO. GO P NO. 803/2002 FIN DT. 30/12/2002.

RESPONDENT'S EXHIBITS

NIL.

True copy

tga

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 19907 OF 2006-T

JUDGMENT

The petitioner, who was a Village Officer, retired from service on 30.6.2002. He has been paid only provisional pension. He prays for payment of full pension and D.C.R.G. The reason for not paying the terminal benefits due to the petitioner is the pendency of a vigilance enquiry. The petitioner submits, in the absence of any judicial or departmental proceedings, withholding of pensionery benefits is unjustified. In support of that submission, he relies on the decision of this Court in **Rajagopalan R. v. Travancore Devaswom Board** (ILR 2007(2) Kerala 401).

2. I heard the learned Government Pleader for the respondents also. He submitted that the vigilance enquiry is held to find out whether the State has suffered any loss, as a result of the omissions or commissions of the petitioner, so that the it can proceed to recover the same from him in accordance with law.

3. The pendency of the vigilance enquiry cannot be pressed into service to withhold the terminal benefits due to the petitioner. I am in

respectful agreement with the decision of the learned single Judge in **Rajagopalan**'s case. Accordingly, the respondents are directed to pay the pension and D.C.R.G due to the petitioner within three months from the date of production of a copy of this judgment, without prejudice to the vigilance enquiry pending against him. In other words, the payment of the terminal benefits due to the petitioner will not affect the powers, if any, of the Government to recover any liability from him in accordance with law, in future.

The Writ Petition is disposed of as above.

5th June, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/